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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,947	09/18/2003	Hans Paller	006593-2020	6530

33375 7590 02/20/2007  
THOMPSON HINE LLP  
P.O. Box 8801  
DAYTON, OH 45401-8801

EXAMINER
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PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/665,947

Applicant(s)

PALLER, HANS

Examiner

Joseph M. Pelham

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,7,11-18,20-22,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,7,11,14-18,20 and 25 is/are rejected.
- 7) ☒ Claim(s) 12,13,21,22 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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The Examiner acknowledges Applicant's submission of the amendment filed 12/6/06. Claims 4, 7, 11-18, 20-22, 25, and 26 are now pending. The Examiner notes with chagrin that an updated search has found new grounds of rejection. With embarrassment at the further inconvenience, he will endeavor to expedite subsequent prosecution.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "louvers" recited in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawing depict only prior art louvers and make no mention whatsoever of a "louver system" in the claimed invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

Claims 4, 7, 11, 14-18, 20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's acknowledged prior art in view of either US Pat. 4722683 (US'683).

The acknowledged prior art, at pages 1-2, page 5 (paragraph 0016), and Figs. 4A & 4B, discloses a rack oven largely as claimed, including a heat exchanger and convection means, rotating or wheeled rack means, *and a vertical louver system*. Moreover, steam supply means are well known and conventional means to avoid drying food items in a convection oven, and hence would have been an obvious adjunct. The claims differ substantively from the acknowledged prior art only in that the latter does not explicitly disclose vertical slot means adjacent a wall, a vane that overlaps the facing wall for a distance of at least one inch and spaced from the wall by ¼ to ¾ inches and directs air flow along the walls for at least 2/3 of the distance to the opposite wall, and a "louver system".

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Referring to Figs. 1-3 & 8, col. 3, lines 30-42, and col. 4, line 27, through col. 5, line 48, US'683 discloses vertical slot means directing air flow along a wall 12, 14, and a vane 26 that overlaps the facing wall. Vane 59 overlaps the entire wall, an "air deflector 60 positioned "toward the opposite side" (since it is displaced from the wall on which the fan is mounted, "toward the opposite side"), and, moreover, the terminus of plenum 22 acts to *deflect* air off the wall and toward the rack receiving area. While US'683 is silent about the spacing between the vane and wall, the choice of  $\frac{1}{4}$  to  $\frac{3}{4}$  inches would have been determined strictly by the oven volume and type of food being cooked therein. Further, the vertical slots formed between walls 12, 14 and vanes 26, 28 are clearly in the form of louvers.

It would have been obvious to adapt the convection means of US'683 to the prior art oven to enhance even circulation, and therefore uniform heating.

*~Applicant is urged to review the prior art cited but not applied when replying to this Office action.~*

### ***Allowable Subject Matter***

Claim 12, 13, 21, 22, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOSEPH PELHAM  
PRIMARY EXAMINEE

